

Decision: 2016 ME 29
Docket: Wal-15-135
Argued: September 18, 2015
Decided: February 11, 2016
Corrected: May 26, 2016

Panel: SAUFLEY, C.J., and ALEXANDER, MEAD, GORMAN, JABAR, HJELM, and HUMPHREY, JJ.

GUARDIANSHIP OF ABIGAIL DOE et al.

ERRATA SHEET

Because the Legislature has not deemed guardianships confidential, we remove the pseudonyms created for this matter and return to the parties' real names. The opinion of this Court certified on February 11, 2016, is amended as follows:

The caption has been corrected as follows:

GUARDIANSHIP OF ~~ABIGAIL DOE~~ KIARA LANTIGUA et al.

Paragraph 1 has been corrected as follows:

[¶1] Leopoldo A. Lantigua, tThe father of ~~Abigail Doe~~ Kiara L. Lantigua and ~~Bethany Doe~~⁺ Bella A. Lantigua, appeals from a judgment of the Waldo County Probate Court (*Longley, J.*) appointing Dale C. Tempesta, the girls' maternal grandmother, as limited guardian of the girls. ~~The father~~ Lantigua argues that the court erred by granting ~~the grandmother~~ Tempesta guardianship based on both her status as the children's de facto guardian and the temporarily intolerable

living situation created by ~~the father~~ Lantigua. We affirm that portion of the Probate Court's judgment that awards ~~the grandmother~~ Tempesta a limited guardianship, but remand to the court to comply with 18-A M.R.S. § 5-105 (2015).

Paragraph 2 has been corrected as follows:

[¶2] The court made the following findings of fact, which are supported by competent evidence in the record. Abigail Kiara and Bethany Bella are fourteen and nine years old, respectively. When ~~the father~~ Lantigua and the girls' mother were divorced in 2010, the District Court (Belfast, *Worth, J.*) awarded ~~the father~~ Lantigua and the mother shared parental rights and responsibilities, and awarded the mother the right to provide the children's primary residence. ~~The father~~ Lantigua, who has served in the United States Navy for about seventeen years, was deployed at sea during the years following the divorce, and the girls lived with their mother in Maine.

The remaining opinion, including footnotes, has been corrected to change references to "the father" to "Lantigua" and references to "the grandmother" to "Tempesta."

Footnote 1 has been corrected as follows:

[†]~~Pseudonyms are used herein to respect the privacy of the children.~~

Footnotes 2-9 have been renumbered to reflect the deletion of footnote 1.

The original opinion on the Judicial Branch website has been replaced with the opinion as corrected.